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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO / OAKLAND DIVISION

10 MARK AARON HAYNIE, THE
11 CALGUNS FOUNDATION, INC.,
12 and THE SECOND AMENDMENT
FOUNDATION, INC..

13 Plaintiffs

14

16 CITY OF PLEASANTON, CITY OF
17 PLEASANTON POLICE
18 DEPARTMENT, CALIFORNIA
DEPARTMENT OF JUSTICE, and
DOES 1 TO 20.

19 || Defendants.

Case No.: CV 10 1255 SI

JOINT CASE MANAGEMENT CONFERENCE STATEMENT

Conference Date: March 18, 2011
Conference Time: 2:00 p.m.
Conference Place: Courtroom 10
450 Golden Gate Ave
San Francisco, CA
94102

21 1. **Jurisdiction & Service** – The parties stipulate that the Court has subject
22 matter jurisdiction over the plaintiffs's claims and there are no issues
23 regarding personal jurisdiction or venue.

24 2. **Facts** – Mark Haynie was arrested and required to post bail for an alleged
25 violation of California Penal Code § 12280(b) – possession of an unregistered
26 assault weapon. The Alameda District Attorney's Office declined to file
27 charges against Mark Haynie and he was found factually innocent. The
28 remaining dispute in this case is:

- 1 a. Does the California Department of Justice have a general duty to issue
 statewide bulletins/memorandums to prevent similar false arrests.
- 2 b. Does the California Department of Justice have a specific duty to issue
 a statewide bulletins/memorandums based on the specific technology
 involved in this case to prevent similar false arrests.
- 3 3. **Legal Issues** – Can a federal court compel the California Department of
 Justice to issue bulletins/memorandums to the State's District Attorneys and
 Law Enforcement agencies based on California Penal Code §§ 12276.5 and
 12289?
- 4 4. **Motions** – Defendants anticipate filing a Rule 12 Motion. After some limited
 discovery is complete, Plaintiffs anticipate filing a Rule 56 Motion.
- 5 5. **Amendment of Pleadings** – Plaintiffs anticipate filing a First Amended
 Complaint to address issues developed during ADR and to address the
 dismissal of Defendants City of Pleasanton and City of Pleasanton Police
 Department. The parties stipulated that Plaintiffs' deadline to file the First
 Amended Complaint is March 18, 2011.
- 6 6. **Evidence Preservation** – Not applicable in this case.
- 7 7. **Disclosures** – The parties agree to make their Fed.R.Civ.P. 26(f) disclosures
 60 days after filing/service of the First Amended Complaint.
- 8 8. **Discovery**
 - 21 a. Plaintiffs will take the following discovery.
 - 22 i. Document Request.
 - 23 ii. Requests for Admission.
 - 24 b. Defendants will take the following discovery.
 - 25 i. Requests for Admission.
- 9 9. **Class Action** – Not applicable to this case.
- 10 10. **Related Case** – None known by the parties at this time.
- 11 11. **Relief** – Plaintiffs seek declaratory and prospective injunctive relief and

1 payment of attorney fees and costs.

2 12. **Settlement & ADR** – The parties have already participated in Joint Neutral
3 Evaluation.

4 13. **Consent to Magistrate Judge for All Purposes** – The parties have not
5 consented to a magistrate judge.

6 14. **Other References** – Not applicable in this case.

7 15. **Narrowing the Issues** – The parties would like to discuss procedures for a
8 bench trial in this matter in conjunction with (or in lieu of) a cross motions
9 for summary judgment.

10 16. **Expedited Schedule** – Not applicable in this case.

11 17. **Scheduling** – The parties propose deferral of this decision until after the
12 court has ruled on Defendant's Rule 12 Motion.

13 18. **Trial** – As noted above, the parties are prepared to discuss a bench trial in
14 conjunction with, or in lieu of, a Rule 56 Motion.

15 19. **Disclosure of Non-Party Interest Entities or Persons** – None known at
16 this time.

17 RESPECTFULLY SUBMITTED.

18 Date: March 4, 2011

Date: March 4, 2011

19 _____ /s/
20 Ross Moody, Counsel for Defendant

Donald Kilmer, Counsel for Plaintiffs
21 **ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND
LOCAL RULE VIII.B.**

22 I, Donald Kilmer, declare under penalty of perjury under the laws of California
and the United States that I have in my possession e-mail correspondence from
Ross Moody that the content of this document is acceptable to all persons required
to sign the document. I declare that this document was signed in San Jose, CA on
March 4, 2011.

23 _____ /s/
24 Donald Kilmer of
25 Law Offices of Donald Kilmer, APC
26 for Plaintiffs
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